

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION**

JOHNNY THOMAS ORTIZ II; *et al.*,

Plaintiffs,

v.

NORTH CAROLINA STATE BOARD OF  
ELECTIONS; *et al.*,

Defendants.

Civil Action No.: 5:24-cv-420-BO

**PLAINTIFFS' NOTICE OF WITHDRAWAL OF MOTION FOR  
ATTORNEYS' FEES AND COSTS**

Plaintiffs Johnny Thomas Ortiz II, Jimmie Gregory Rogers Jr., and Weldon Murphy ("Plaintiffs"), by and through undersigned counsel, hereby give notice to the Court and the parties that Plaintiffs' Motion for Attorneys' Fees and Costs [D.E. 61] is withdrawn in light of the U.S. Supreme Court's recent opinion in *Lackey v. Stinnie*, 145 S. Ct. 659 (2025). Additionally, Plaintiffs provide notice of their intent to move for summary judgment within sixty (60) days of this filing.

Respectfully submitted, this the 17th day of April 2025.

**NELSON MULLINS RILEY &  
SCARBOROUGH LLP**

By: /s/ Phillip J. Strach  
Phillip J. Strach (NC Bar No. 29456)  
Alyssa M. Riggins (NC Bar No. 52366)  
Cassie A. Holt (NC Bar No. 56505)  
301 Hillsborough Street, Suite 1400  
Raleigh, North Carolina 27603  
phil.strach@nelsonmullins.com  
alyssa.riggins@nelsonmullins.com  
cassie.holt@nelsonmullins.com  
Telephone: (919) 329-3800  
Facsimile: (919) 329-3799  
*Counsel for Plaintiffs*

**CERTIFICATE OF SERVICE**

I, Phillip J. Strach, hereby certify that I have this day electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will provide electronic notification to counsel of record.

Dated: April 17, 2025.

By: /s/ Phillip J. Strach  
Phillip J. Strach (NC Bar No. 29456)